IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE SIDE

WRIT PETITION NO.1174 OF 1997

Rau Sopan Chavare and anr. ..Petitioners

Vs.

The Collector & Deputy Director
of Resettlement (Land), Solapur,
and ors. ..Respondents

Mr. S.G. Kudle for petitioners.
Mr. V.S. Gokhale, AGP for Respondent Nos.1 to 3.
Mr. Vijay Killedar i/by Mr. Nitin Jamdar for Respondent No.4.

CORAM : B. H. MARLAPALLE &
D. B. BHOSALE,JJ.

Date : APRIL 12, 2006.

P.C.:

1. The petitioners own agricultural lands in Gat Nos.464/1 and 464/2 of village Penur, Taluka Mohol, District Solapur. The respondent no.4 holds agricultural land in Gat No.464/3. It appears that the State Government acquired land admeasuring 74 Ares from the petitioners' holding and the Land Acquisition Officer passed his award on 30/4/1987. It is alleged that while passing the award the petitioners were not heard and, therefore, the award was illegal and non est. Reliance has been placed on the decision of this court in the case of the Industrial Development and Investment Co. Pvt. Ltd. and anr. vs. State of Maharashtra and ors. reported in **AIR 1989 Bombay 156**.

2. We have noted that the subject land was taken in possession on 5/7/1988 and it was mutated in the name of the Collector who is also the Deputy Director for resettlement, vide mutation entry no.1296 effected on 7/7/1988. This petition appears to have been filed on the basis of the purported letter dated 13/9/1996 addressed by the Resettlement Officer, Pandharpur to the petitioner no.1. The letter clearly shows that the amount of compensation was already received by the petitioners and it appears that the petitioners had applied for some changes pertaining to the land acquired vide their application dated 29/3/1996. The said application was turned down and the petitioners were directed not to obstruct the possession of the Government.

3. We have also noted that the declaration dated 25/2/1985 under Section 6 of the Land Acquisition Act, 1894 was published in the Government Gazette on 1/5/1985 and on the village Chawadi on 10/5/1985, whereas it was published in the local newspapers, namely, Nesari and Vishwa Samachar on 2/1/1986 and 6/1/1986 respectively. The award under Section 11 has been passed by the Land Acquisition Officer on 30/4/1987 and, therefore, it cannot be said that the

award was not passed within the stipulated period as set out under Section 11-A of the said Act.

4. In the premises, this petition fails and the same is hereby dismissed. Rule discharged. No costs.

(D.B. Bhosale,J.) **(B.H. Marlapalle, J.)**